of international human rights standards in order to create the conditions needed to exercise the right to development.

21. **Mr. Rastam** (Malaysia) asked the High Commissioner what measures she was planning to take to mainstream the right to development in the activities of United Nations entities, with reference in particular to field activities and cooperation with United Nations country teams. Concerning the special procedures, he wished to know how the High Commissioner could help mandate holders to respect the Code of Conduct, act within the limits of their mandate and preserve their independence. On the more specific question of incitement to religious hatred, he asked the High Commissioner what steps she had taken or was proposing to take to combat that form of discrimination and how she intended to encourage interfaith and intercultural dialogue.

22. **Mr. Andrade** (Brazil), considering that the technical support provided by the Office of the High Commissioner in the field was essential, asked how Member States could enhance the ability of the Office to help States to meet their human rights obligations.

23. **Mr. Mamdoohei** (Islamic Republic of Iran), agreeing with the High Commissioner that racial discrimination was an obstacle to the enjoyment of human rights and to the empowerment of the most vulnerable groups, asked what technical assistance was provided to States by the Office of the High Commissioner to help them to draw up action plans against racial discrimination and to implement the Durban Declaration and Programme of Action. His country welcomed the assistance given by the Office of the High Commissioner to the missions of inquiry mandated by the Human Rights Council on the massacres perpetrated in Gaza and the attacks against the flotilla carrying humanitarian assistance to Gaza. Concerning the review of the Human Rights Council, Iran considered it necessary to identify activities that duplicated those of the General Assembly. Lastly, stressing the importance of technical cooperation for State capacity-building in the promotion and protection of human rights, he wished to know what the Office of the High Commissioner was doing to promote good practices and encourage States to commit themselves more to providing technical cooperation in fields where it was needed.

24. **Mr. Askarov** (Uzbekistan), denouncing the violent confrontations between the Uzbek and Kyrghyz communities in southern Kyrgyzstan in June 2010, urged the United Nations to assist the victims and to carry out an independent investigation to identify those responsible for that tragedy and bring them to justice. Care must be taken to avoid a fresh outbreak of violence that could destabilize the whole of Central Asia.

25. **Ms. Al-Thani** (Qatar) wished to know whether the Office of the High Commissioner and the United Nations High Representative for the Alliance of Civilizations were cooperating in combating the defamation of religions. Qatar would be interested to know how the High Commissioner was planning to integrate into her activities the United Nations Global Plan of Action to Combat Trafficking in Persons and what steps she was intending to take with regard to human rights violations committed during conflicts, particularly in countries under foreign occupation.

26. **Ms. Hassan** (Djibouti) asked whether the Office of the Assistant Secretary-General for Human Rights in New York had been reorganized to enable it to perform its mission effectively and whether it had the necessary financial and human resources to tackle equally and simultaneously the six strategic priorities of the Office of the High Commissioner for 2010-2011.

27. **Mr. Babadoudou** (Benin) asked whether the mandate of the Office of the High Commissioner was limited to universally recognized human rights enshrined in international instruments. Recognizing that human rights were essential for achieving the Millennium Development Goals and that States must assume responsibility for their own development, he wished to know whether respect for human rights might become a precondition for official development assistance. As for migrants, their rights should be taken into account equally in host countries and countries of origin. Concerning the fight against impunity, he urged the Office of the High Commissioner to act on a basis of complete impartiality. Lastly, while being in favour of greater participation by non-governmental organizations (NGOs) in United Nations activities, he raised the question of the application to those organizations of the principle of accountability.

28. **Ms. Taracena Secaira** (Guatemala) said that she would appreciate it if the High Commissioner could provide her with precise data on violence perpetrated against indigenous women so as to help her to argue for the importance of including a specific reference to it in the omnibus resolution on violence against women adopted by the General Assembly every year.

29. **Ms. Murillo Ruin** (Costa Rica), agreeing with the High Commissioner that sustainable development and human rights were complementary, asked how the Office of the High Commissioner coordinated its activities with the field activities of country teams and resident coordinator offices.

30. **Ms. Salazar** (Colombia) said that his country's eight human rights priorities were to guarantee the safety of human rights defenders; strengthen human rights policies and incorporate them into national action plans; adopt the Victims Act; adopt the Land Restitution Act; fight against impunity; maintain dialogue with civil society; discharge its international obligations and implement the recommendations of the universal periodic review; and set up a national human rights commission. Columbia had adopted a set of laws to combat maternal mortality and discrimination against women. Her country had also submitted a draft resolution concerning persons of African descent and put in place two programmes on the human rights of such persons and of indigenous peoples.

31. **Ms. Pillay** (United Nations High Commissioner for Human Rights) said that, unfortunately, she would not have enough time to respond to all the questions but that she would take into account the delegations' suggestions.

32. Concerning OHCHR field offices, she recalled that an office had been established in Brussels, aimed in particular at remedying the geographical imbalance in the field presence of the Office of the High Commissioner.

33. She agreed with the representative of the Russian Federation that the Assistant Secretary-General for Human Rights should keep Member States informed, in particular about the activities of the Human Rights Council in relation to the work of the General Assembly and the Security Council.

34. Responding to the questions from the representatives of Pakistan and Cuba, she noted that geographical representation in the Office of the High Commissioner had been steadily improving since 2006: the proportion of staff from Africa had increased by 55 per cent, that of staff from Asia by 49 per cent, that of staff from Latin America and the Caribbean by 61 per cent, and that of staff from Eastern Europe by 130 per cent. She was continuing to make every effort to correct the imbalances, in particular by holding national recruitment competitions in unrepresented or underrepresented countries, but she had inherited a system in which the bulk of the staff came from the group of Western European and other States. It was up to Member States to change the rules that they had established in order to give her more room for manoeuvre.

35. The purpose of the review of the activities and status of the Human Rights Council was not to undertake a reform of the Council but to make an objective assessment of its performance in order to enhance the effectiveness and usefulness of its work. As had been noted by the Russian Federation and Chile, the High Commissioner had recommended that the Council should be provided with the necessary means to intervene in both chronic and urgent human rights situations. Unlike the representative of Cuba, she considered that progress had been made. It should be borne in mind that the function of the Council was not to point fingers at any particular State but to help it to solve problems. She accepted the suggestions made in that connection that steps should be taken to improve technical cooperation and assistance in the field. The Council was acquiring new tools by inviting concerned countries to participate in the dialogue or by organizing thematic round tables, following which it adopted not only resolutions but also, for example, presidential statements.

36. Within the framework of the review of the Human Rights Council, the General Assembly would have the opportunity to discuss its relations with the Council, particularly on how it responded to the Council's resolutions, notably those with financial or political implications. In the current system, the Assembly considered the Council's decisions only at the end of the year, with negative financial and political consequences for the activities of the Council and of the Office of the High Commissioner. That could be remedied by having the Assembly consider urgent resolutions of the Council just after the end of the session concerned or by providing for the establishment of a reserve fund that would give some financial autonomy to the Council.

37. The new selection procedure for the recruitment of special procedure mandate holders was transparent. She invited States to propose names of experts that would be placed on the public list of candidates submitted to the Consultative Group responsible for recommending selected candidates to the President of the Council. She supported the Consultative Group's

proposal that candidates should be interviewed and believed that recruitment should continue to be based essentially on competence. Concerning the Code of Conduct for mandate holders, the Coordination Committee was required to consider any breach of its provisions. She invited Member States to inform that Committee if they thought that any mandate holder was acting in violation of the Code of Conduct. Round tables and dialogues were organized during sessions of the Human Rights Council and the General Assembly in order to make the activities of mandate holders better known, including within the United Nations system; in addition, documents submitted for the universal periodic review also reported on their work.

38. Noting that all States had participated in the universal periodic review, she emphasized the importance of complying with the ensuing recommendations. The Office of the High Commissioner took practical account of the main recommendations springing from the universal periodic review in crafting its country cooperation strategies and drew the attention of country teams, United Nations entities, regional organizations, national human rights institutions and other stakeholders to the problems it brought to light. The work of the country teams was decisive and the Office of the High Commissioner worked closely with them for the success of the second stage in the universal periodic review. It was also important to provide States with technical support so as to give them the means to implement the recommendations. The Office of the High Commissioner was ready to provide them with such support on request.

39. Responding to the comments made by the representatives of Brazil, Iran and Norway, who had expressed interest in the follow-up to the universal periodic review, she urged States to contribute to the Universal Periodic Review Trust Fund, which enabled the Office of the High Commissioner to help countries to carry out their national action plans.

40. Concerning the relations between the Human Rights Council and the Office of the High Commissioner, referred to by the representative of China and the Observer for the European Union, she reaffirmed the close collaboration existing between the two bodies. She emphasized the independence of the Office of the High Commissioner and said that there could be no question of exercising any formal control over its activities as that would compromise its impartiality and its credibility. The Office of the High Commissioner was part of the Secretariat and, as such, was accountable to the Secretary-General and the General Assembly. As she had been requested to do by the President of the Council in his statement (A/HRC/PRST/1512), she intended to present to the Council the proposed strategic framework for programme 19 (Human rights) for 2010-2011 in order to gather the views of its members and submit them to the Committee for Programme and Coordination.

41. In reply to a question from the Observer for the European Union concerning the strengthening of the treaty bodies, she recalled that since 2004 their number had almost doubled following the establishment of four new bodies and the adoption of two optional protocols for individual communications. The Office of the High Commissioner was endeavouring to harmonize the working methods of the treaty bodies. They could not fully discharge their mandate without the necessary funding, which she called on States to provide.

42. Addressing thematic issues, she said that she would continue to make every effort to integrate the right to development into the activities of the Office of the High Commissioner, in particular by forming global partnerships between Member States, development agencies and international financial and commercial institutions. In September 2010 alone, the Office of the High Commissioner had organized three meetings with the World Trade Organization and the United Nations Institute for Training and Research, on the topics of "trade and human rights" and "trade and gender issues", aimed at creating conditions conducive to exercising the right to development. As for the twenty-fifth anniversary of the Declaration on the Right to Development, mentioned by the representatives of Malaysia, Morocco and the United Kingdom, she had proposed that the Human Rights Council invite the directors of United Nations bodies to an extraordinary meeting, which would be held on the sidelines of the 2011 session, in order to review implementation of the Declaration. She noted in that connection Morocco's suggestion that the obstacles to implementation of the right to development should be identified.

43. Responding to the concerns expressed by the representatives of Cuba, the Russian Federation and Switzerland and the Observer for the European Union, she explained that the new human rights mainstreaming mechanism of the United Nations Development Group was fully in line with the Action 2 initiative and was

aimed at giving country teams and their partners the means to encourage States to put into effect their national development action plans and helping States and development agencies to cope with the continual flow of recommendations issuing from the universal periodic review and other human rights mechanisms.

44. In response to the comments made by the representative of Mexico, she said that the migration issue was a strategic priority for both the Council and the Office of the High Commissioner. The Office was seeking in particular, through the Global Migration Group, to promote a human rights-based approach to migration. Since migration was a concern to States of origin, transit States and host States alike, she proposed that the issue be addressed as a problem of global governance. The Office of the High Commissioner was also striving to eliminate discrimination and xenophobia against migrants, to promote their human rights and to prevent the criminalization of migrants in an irregular situation by seeking solutions other than detention, and urged States to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

45. Responding to the questions asked by the representatives of Malaysia, Pakistan and Qatar on the defamation of religions, she confirmed that the Office of the High Commissioner cooperated with the United Nations High Representative for the Alliance of Civilizations. As part of the follow-up to the expert seminar on the links between articles 19 and 20 of the International Government on Civil and Political Rights: "Freedom of expression and advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence", four expert workshops on prohibition of incitement to national, racial or religious hatred would be held in 2011 in several United Nations conference centres (Bangkok, Nairobi, Santiago and Vienna) and she would submit a report, at the March 2011 session of the Human Rights Council, on the implementation of its resolution 13/16 on combating defamation of religions.

46. With regard to racial discrimination and the follow-up to the Durban Declaration and Programme of Action, the Office of the High Commissioner had held two workshops in Cameroon and Togo on national action plans to combat racial discrimination, with a third scheduled to take place in Addis Ababa in December 2010 and other activities in 2011.

47. Addressing the question of field offices and work on the ground, she agreed with the representative of Algeria that a human rights component should be incorporated into all peacekeeping missions; she would continue to make suggestions to that effect to the Security Council. The Office of the High Commissioner was continuing to monitor the human rights situation, including in countries where peacekeeping missions were deployed. The majority of field offices (32 out of 56) had been established by two types of cooperation agreement, which did not depend on independent decisions of the Office of the High Commissioner. The human rights components of peacekeeping operations had been established by Security Council resolutions; most were in Africa. In addition, human rights advisers were appointed at the request of resident coordinators of United Nations country teams to advise them on the spot; seven of them, the majority, were in Europe and five in Africa. As for OHCHR country offices, they were set up on the basis of an official agreement with the Government of the host country following direct consultations and with due respect for the sovereignty of the State concerned. She thanked the countries that hosted an OHCHR country office and urged States to see such offices as useful resources. She invited the representative of the Russian Federation, who had expressed the view that certain parameters should be brought to the attention of the Human Rights Council, to discuss the matter with her.

48. Responding to the question asked by the Observer for the European Union, she said that there were currently two regional offices in Asia and the Pacific: one in Bangkok, for the 10 countries of the Association of South-East Asian Nations; the other in Suva, for the 16 countries of the Pacific Islands Forum, including Australia and New Zealand. As the Republic of Korea had expressed a wish for a regional office to be opened in Seoul, which would cover at least certain North-East Asian States, the Office of the High Commissioner had undertaken consultations with the Member States concerned. It was also considering extending the sphere of action of the United Nations Human Rights Training and Documentation Centre for South-West Asia and the Arab Region to the entire region.

49. Responding to the representative of Pakistan, who had spoken of the silence of the Office of the High Commissioner concerning the situation in Jammu and Kashmir, she said that she had followed the recent

events with deep concern. Since the unfurling of the wave of protest in mid-June 2010 in India-administered Kashmir, security forces were reported to have killed 100 or so persons. She remained in contact with the authorities concerned.

50. As for the investigations into human rights violations in Gaza and the Syrian Golan, the Human Rights Council was actively involved in those matters, on which it produced annual reports. The Office of the High Commissioner supported the Committee of Experts set up to assess domestic investigations following Operation Cast Lead. The High Commissioner was continuing to discuss both individual cases and general subjects with the authorities concerned; in addition an OHCHR mission would visit the region in 2011.

51. With regard to cases of widespread sexual violence committed in the Democratic Republic of the Congo, she referred to a preliminary report published on 24 September 2010, which she had issued jointly with the United Nations Organization Stabilization Mission in that country on systematic rape and other human rights violations committed by several armed groups in North Kivu between 30 July and 2 August 2007. Mention was made in that report of serious shortcomings in the preparedness and response of the Congolese army and police. The Office of the High Commissioner had offered to assist the Congolese Government in its inquiries and in prosecuting the presumed perpetrators and had set up a high-level panel on reparations for the victims, chaired by the Deputy High Commissioner for Human Rights and also including Ms. Elisabeth Rehn, former Defence Minister of Finland and Chair of the Board of Directors of the International Criminal Court Trust Fund for Victims, and Dr. Denis Mukwege, Medical Director of Panzi Hospital in Bukavu (South Kivu). The Office of the High Commissioner would shortly be issuing a report on the panel's interviews with the victims of sexual violence in the Democratic Republic of the Congo and particularly on how they regarded the authorities' attitude towards them and their views on the reparations to which they were entitled.

52. **Mr. Nambiar** (Special Adviser to the Secretary-General on Myanmar), introducing the report of the Secretary-General on the situation of human rights in Myanmar (A/65/367), described recent developments in the situation in the country, noting that his mission was made difficult by a lack of direct dialogue with the authorities.

53. Following the adoption of a new electoral law and the establishment of an electoral commission, the Government of Myanmar had announced that elections would be held on 7 November for members of the People's Assembly, the National Assembly and the 14 regional and state legislatures. The Electoral Commission had declared a total of 10 parties ineligible, including the National League for Democracy, and had laid down campaign procedures for the 37 remaining parties. In addition, it had announced that elections would not take place, at least in the immediate future, in certain ethnic minority areas, officially on the grounds that it was impossible to hold free and fair elections there. Negotiations between the Government and certain ethnic groups on the transformation of their armed elements into border guard units had not yet borne fruit.

54. As in the most recent elections, in 1990, representatives would be elected on a single ballot by a majority vote; that was a system that usually favoured the large parties. According to the Government, there would be more than 3,000 candidates, most of whom seemed however to belong to the two main parties favourable to the current regime, the Union Solidarity and Development Party and the National Unity Party.

55. Opinions about the prevailing political climate on the ground were mixed. Some emphasized the maintenance of tight restrictions and the lack of fair conditions, while the others, on the contrary, pointed to a level of political activity unprecedented since 1990, particularly in the ethnic minority areas. Moreover, the Government had allowed some NGOs to organize training programmes for candidates.

56. Those changes were not sufficient, however, to dispel concerns about the electoral process and the political climate in general, particularly with regard to the continued detention of political prisoners, the absence of foreign observers and the cancellation or suspension of the electoral process in some areas.

57. He emphasized the patience and tenacity of the citizens and some political leaders at a critical time in the history of Myanmar. He noted that Daw Aung San Suu Kyi had been registered on the candidate list and that the Supreme Court had declared the appeal against her house arrest to be admissible.

58. Noting the positive developments in the humanitarian situation, he welcomed the success of the Tripartite Core Group mission and urged the Government to take the necessary steps for the new joint humanitarian project in North Arakan State to be implemented as soon as possible.

59. Where development was concerned, the Economic and Social Commission for Asia and the Pacific (ESCAP) was continuing its dialogue with the Government with a view to addressing the country's socio-economic problems. At the same time, he was involved in coordinating the activities of the United Nations country group, the United Nations Development Programme, ESCAP and international financial institutions, establishing priorities for action and encouraging donors to support projects that could provide a platform for cooperation with the authorities.

60. He stressed the importance of the forthcoming elections in the process of democratic transition and for the unity of the country and expressed regret that the authorities of Myanmar, after starting by giving some signs of being open to dialogue, had not proved to be more willing to cooperate. The United Nations was acting in the interest of Myanmar, on behalf of all its Member States, in accordance with a clear mandate entrusted to it by the General Assembly. It remained ready to work alongside the Government and all interested parties and urged the authorities to cooperate directly with the Organization in order to achieve the shared goals of stability, prosperity and democracy.

61. **Mr. Kyaw** (Myanmar) said that cooperation with the United Nations was a key element in Myanmar's foreign policy. During their numerous visits, the senior officials of the Organization, including the Secretary-General and the former Special Adviser of the Secretary-General on Myanmar, had enjoyed the full collaboration of the authorities. Notwithstanding those efforts, in his report on the situation of human rights in Myanmar (A/65/367), the Secretary-General expressed regret that the Government had not shown a genuine desire to cooperate and that it had not invited the Special Adviser of the Secretary-General. However, the fact that the latter had not been able to visit Myanmar was due exclusively to organizational factors. Moreover, he had had every opportunity to pursue dialogue with the authorities of the country through the Permanent Mission of Myanmar.

62. Reaffirming that in his country no persons were imprisoned for their political opinions, he pointed out that the Government had granted an amnesty to a total of 115,000 prisoners in order to allow them to participate in nation-building. The elections of 7 November were extremely important for Myanmar and constituted the fifth stage on its road map towards democracy. The Government had done everything possible to complete that transition, which was well advanced. The country was making considerable socio-economic progress and experiencing steady economic growth, despite the sanctions imposed on it. The people of Myanmar were in the best position to determine their own interests. The country undertook to continue to cooperate with the United Nations and the international community after the elections.

The meeting rose at 1.10 p.m.